

Ramesh Anantrao Bulbule ...
v/s.
Prakash Shankarrao Patil & ors.

... Petitioner
(Orig.respondent No.3)
... Respondents
([Res.No.1- orig.petitioner](#))
([Res.Nos.2](#) & 3-orig.
Respondents)

Mr.R.S. Apte i/by Shri M.S.Lagu for petitioner.
Mr.S.S.Patwardhan for respondent No.1.
Mrs.M.P. Thakur, AGP for respondent Nos.2 & 3.

.....

**CORAM : SMT.RANJANA DESAI &
SMT.ROSHAN DALVI, JJ.**

Dated : 17th December 2007

P.C. :

1. This civil application is filed by Ramesh A. Bulbule, who is respondent No.3 in the instant writ petition (“respondent No.3” for convenience). Respondent No.3 had made a complaint to Committee for Scrutiny and Verification of Caste Claim, Pune, (“Caste Scrutiny Committee” for short)

raising objection to the original petitioner's claim that he belongs to "Kunabi" caste. The Caste Scrutiny Committee, by its order dated 19.7.2006, invalidated the claim of the original petitioner. The said order is challenged in the instant writ petition.

2. On 28th July 2006, notice before admission was issued to the respondents and ad-interim relief was granted. Thus, the Caste Scrutiny Committee's order was stayed.
3. Rule was issued on this petition on 14th September 2006. On 20th April 2007, this court passed the following order:-

“ Having heard the parties in our opinion the interim order granted on July 28, 2006 will have to be modified to the extent that the respondent No.2 should not proceed to fill in the seat under Section 10 of the Act. On the caste certificate being invalidated the disqualification becomes into effect by operation of law. The order is clarified accordingly. Place the Civil Application along with the main petition on 15th June, 2007.”

Grievance of respondent No.3 is that despite this order, the original petitioner has continued to act as Municipal Councillor.

4. Affidavit in reply is filed by the petitioner. Paragraph 5 of the

said affidavit reads as under:-

“5. I say that the contents of para 3 of the said affidavit are totally incorrect. I say that I have never attempted to misinterpret the orders passed by this Hon'ble Court in the writ petition or the civil application at any time. I further say that the Municipal Commissioner of Kolhapur Municipal Corporation has passed the order thereby holding me to be ineligible to be a councillor of Kolhapur Municipal Corporation on 1st July, 2007. Hereto annexed and marked as **Exhibit D** is the copy of the said letter dated 1st July, 2007. I say that after the said order is passed I have stopped exercising the right of the Municipal Councillor.”

4. In view of the above statement, nothing survives in this civil application.

5. Civil Application is disposed of.

(SMT.RANJANA DESAI, J.)

(SMT.ROSHAN DALVI, J.)